

Iowa Students with Special Health Needs

Purpose

Explore Iowa Students with Special Health Needs

Examine laws

Discuss school nurse- school health services in education planning

Analyze implementation

CSHCN

Children with special health care needs (CSHCN) defined by Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau (MCHB): "...those who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by children generally."

National Survey-Children with Special Health Care Needs

IA estimated number 95,094 Iowa 14.2% Nation 13.9%

Age Iowa % Nation %

0-5 8.5 8.8

6-11 16.2 16.0

12-17 17.6 16.8

Parent-rated severity of current chronic conditions-Children age 0-17 years-Nationwide vs. Iowa

<http://mchb.hrsa.gov/cshcn05/SD/iowa.htm>

Laws

IDEA-504-ADA

IDEA of 2004, 20 USC 1400-; 34CFR 300-

Individuals with Disabilities Education Act (IDEA) ensures children with disabilities services.

IDEA governs states & public agencies-early intervention, special education, and related services for over 6.5 million eligible infants, toddlers, children, and youth with disabilities.

IDEA Part C: Infants/toddlers with disabilities (birth-2) and their families receive early intervention services.

IDEA Part B: Children/youth (ages 3-21) receive special education/related services.

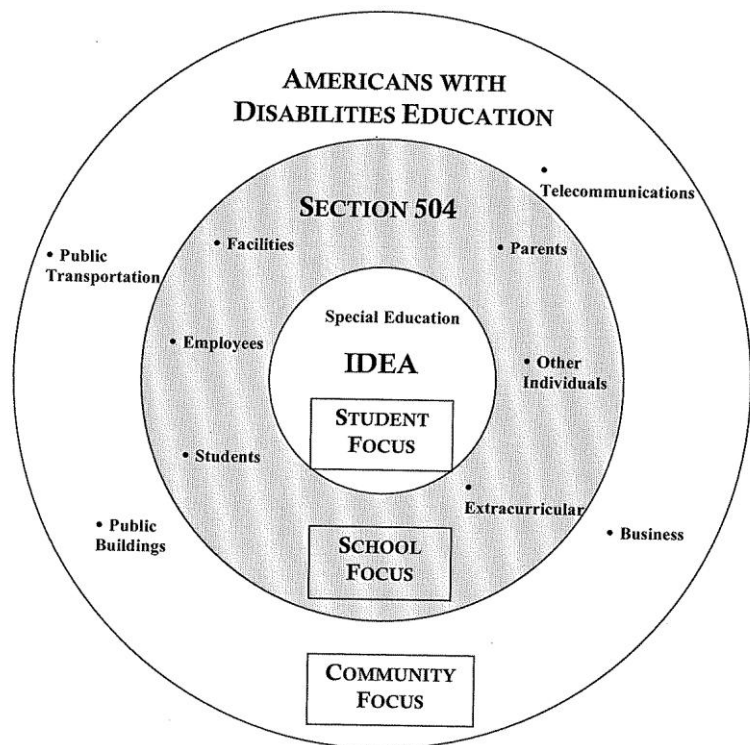
<http://idea.ed.gov/> - -Child with a Disability. Person who has a disability in obtaining an education. Refers to infants, children, and young adults synonymous with child requiring special education and eligible individual.

IDEA-20 USC 1401 Definitions

(26) Related services.--

(A) In general.--'related services' means... (including... school nurse services designed to enable a child with a disability to receive a free appropriate public education (FAPE) as described in the individualized education program (IEP) of the child, medical services, medical services for diagnostic and evaluation purposes required to assist a child with a disability to benefit from special education, and includes early identification and assessment of disabling conditions in children.

(B) Exception.-The term does not include a surgically implanted medical device, or replacement of such device.



34 Code of Federal Regulations (CFR)

[Sec. 300.34\(a\)](#) General. Related services means... Related services also include school health services and school nurse services...

[Sec. 300.34\(c\)\(13\)](#) School health services/school nurse services means health services designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services provided by a qualified school nurse. School health services provided by either a qualified school nurse or other qualified person.

Rehabilitation Act-Section 504 and American with Disabilities Act (ADA)

-Related services are part of FAPE including health services.

-Related services concepts viewed as interchangeable between Rehabilitation Act-Section 504, ADA, and IDEA.

Section 504 (34 CFR 104.33, 37) **Schools are required to comply with all.**

ADA Amendments Act of 2008, 42 USC

SEC. 3. DEFINITION OF DISABILITY.

(1) DISABILITY. The term disability' means ...

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment

(2) MAJOR LIFE ACTIVITIES.

- (A) IN GENERAL. Major life activities include,...not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- (B) MAJOR BODILY FUNCTIONS.
 - (1) a major life activity also includes the operation of a major bodily function, including but not limited to, functions of immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) REGARDED AS HAVING SUCH AN IMPAIRMENT:

- (A) An individual meets requirement if individual establishes they were subjected to action prohibited under this Act because of actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- (B) Shall not apply to transitory and minor impairments. Transitory impairment is impairment with actual or expected duration of 6 months or less.

Iowa Code 256B Requires state special education reports to determine all children identified as requiring special education have received appropriate special education instructional and support services, ...

Iowa Administrative Code (IAC) 281—41.1(256B, 34CFR300) Purposes. The purposes of this chapter are as follows:

1. To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;...

281—41.34(256B, 34CFR300) Related services.

41.34(1) General. "Related services" means ... supportive services as are required to assist a child with a disability to benefit from special education.

"Related services" also includes school health services and school nurse services ...

41.34(3)...

m. "School health services and school nurse services" means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP.

School nurse services are services provided by a qualified school nurse.

School health services are services that may be provided by either a qualified school nurse or other qualified person.

281—41.174(256B, 34CFR300) Prohibition on mandatory medication.

41.174(1) General. No public agency personnel are permitted to require parents to obtain a prescription for substances identified under Schedules of the Controlled Substances Act for a child as condition of attending school, receiving an evaluation or services.

281—41.404(256B) Policies/procedures required of all public agencies.

41.404(1) Policies ...

- f. administration of medications.
- g. provision of special health services.

41.404(2) Procedures....:

- d. administration of medications including written medication administration record.
- e. providing special health services.

Medication

281 IAC 41.404(3) Medication administration. Each agency establishes policy/procedures:

- a. Administration of prescription and nonprescription medication.
- b. Individual health plan when administration requires ongoing professional health judgment.
- c. Persons administering medication include authorized practitioners, such as licensed registered nurses, physicians, and persons to whom authorized practitioners delegate administration of prescription drugs (who successfully complete a medication administration course). Individuals demonstrate competency administering their medications may self-administer their medication. Individuals self-administer asthma or other airway constricting medication with parent/ physician consent on file, without demonstrating competency to self-administer.
- d. Provide a medication administration course/periodic update, registered nurse or licensed pharmacist conducts course. Record of course completion maintained by school.
- e. Requirement individual's parent provides signed/dated written statement requesting school medication administration.
- f. Statement medication is in original labeled container either as dispensed or manufacturer's container.
- g. Written medication administration record on file at school including:
 - (1) Date.
 - (2) Individual's name.
 - (3) Prescriber/person authorizing administration.
 - (4) Medication.
 - (5) Medication dosage.
 - (6) Administration time.
 - (7) Administration method.
 - (8) Signature/title of person administering medication.
 - (9) Any unusual circumstances, actions, or omissions.
- h. Statement medication stored in secured area unless alternate provision is documented.
- i. Requirement for written statement by individual's parent or guardian requesting individual's coadministration of medication, when competency is demonstrated.
- j. Requirement for emergency protocols for medication-related reactions.
- k. Statement on confidentiality of information.

Special Health Services

281—41.405(256B) Some eligible individuals need special health services to participate educational program receive special health services.

41.405(1) Definitions.

"Assignment/delegation" licensed health personnel, in collaboration with education team, determine special health services provided/qualifications of individuals performing. Primary consideration is recommendation of licensed health personnel. Each designation considers individual's special health service. Rationale for designation is documented.

"Coadministration" eligible individual's participation in planning, management implementation service, demonstration proficiency.

"Educational program" includes all school curricular programs/activities both on and off school grounds.

"Education team" eligible individual, parents, administrators, teachers, licensed health personnel, others involved in program.

"Health assessment" health data collection, observation, analysis, interpretation relating individual's educational program.

"Health instruction" education by licensed health personnel prepare qualified designated personnel deliver/perform services in health plan and documentation on file at school.

“Individual health plan” confidential, written, preplanned ongoing service in the educational program (assessment, planning, implementation, documentation, evaluation). Plan for emergencies. Plan updated as needed/at least annually. Licensed health personnel develop plan **with education team**.

“Licensed health personnel” licensed registered nurse, licensed physician, other licensed health personnel legally authorized to provide special health services/medications.

“Prescriber” licensed health personnel legally authorized prescribe special health services/ medications.

“Qualified designated personnel” person instructed, supervised, competent implementing health plan.

“Special health services” not limited to, services for eligible individuals whose health status (stable or unstable) requires:

1. Interpretation or intervention,
2. Administration health procedures, health care, or
3. Use health device compensate for reduction or loss of a body function.

“Supervision” assessment, delegation, evaluation, documentation of special health services by licensed health personnel. Supervision levels:

1. Licensed health personnel physically present.
2. Licensed health personnel available same site.
3. Licensed health personnel available on call.

41.405(2) Special health services policy. Each public/nonpublic accredited school board, in consultation with licensed health personnel, establishes policy/guidelines provision confidential special health services containing:

a. Licensed health personnel provide special health services. Licensed health personnel duties include:

(1) Participate member of education team.

- (2) Provide health assessment.
- (3) Planning, implementing, evaluating written individual health plan.
- (4) Planning, implementing and evaluating special emergency health services.
- (5) Serving as liaison, encourage participation/communication health service agencies/individuals providing health care.
- (6) Providing health consultation, counseling/instruction with individual, parent, and staff in cooperation/conjunction with prescriber.
- (7) Maintaining special health services documentation (individual’s name, special health service, prescriber/ person authorizing, date, time, signature, title person providing special health service, unusual circumstances).
- (8) Reporting unusual circumstances (parent, school administration, prescriber).
- (9) Assigning/delegating, instructing, providing technical assistance, supervising qualified designated personnel.
- (10) Updating knowledge/skills to meet special health service needs.**

b. Prior to providing special health services following is on file:

- (1) Written statement by prescriber detailing specific method, schedule of special health service.
- (2) Written statement by individual’s parent requesting provision of special health service.
- (3) Written report of the preplanning staffing or meeting of the education team.
- (4) Written individual health plan available in the health record and integrated into the IEP.

c. Licensed health personnel, in collaboration with education team, determine special health services provided/qualifications of individuals performing special health services. Documented rationale includes:

- (1) Analysis/interpretation of special health service needs, health status stability, complexity of service, predictability of service outcome, risk of improperly performed service.
- (2) Determination special health service, task, procedure or function is part of person’s job description.
- (3) Determination of assignment /delegation based on needs.
- (4) Review of designated person’s competency.
- (5) Determination of initial/ ongoing level of supervision required for quality services.

d. Licensed health personnel supervise special health services, define level of supervision, and document supervision.

e. Licensed health personnel instruct qualified designated personnel to deliver, perform special health services in individual health plan. Documentation of instruction, periodic updates in school file.

f. Parents provide usual equipment, supplies, necessary maintenance of equipment. Equipment is stored in secure area. Designate personnel responsible for equipment in individual health plan. Individual health plan designate role of school, parents, others in provision, supply, storage, maintenance of equipment.

Irving Independent School District v. Tatro-468 U.S. 883(1984)-Supreme Court-Urinary catheterization is a required health procedure under IDEA

Cedar Rapids Community School District v. Garret F., U.S. 119 S.Ct. 992 (1999)-Supreme Court ruling

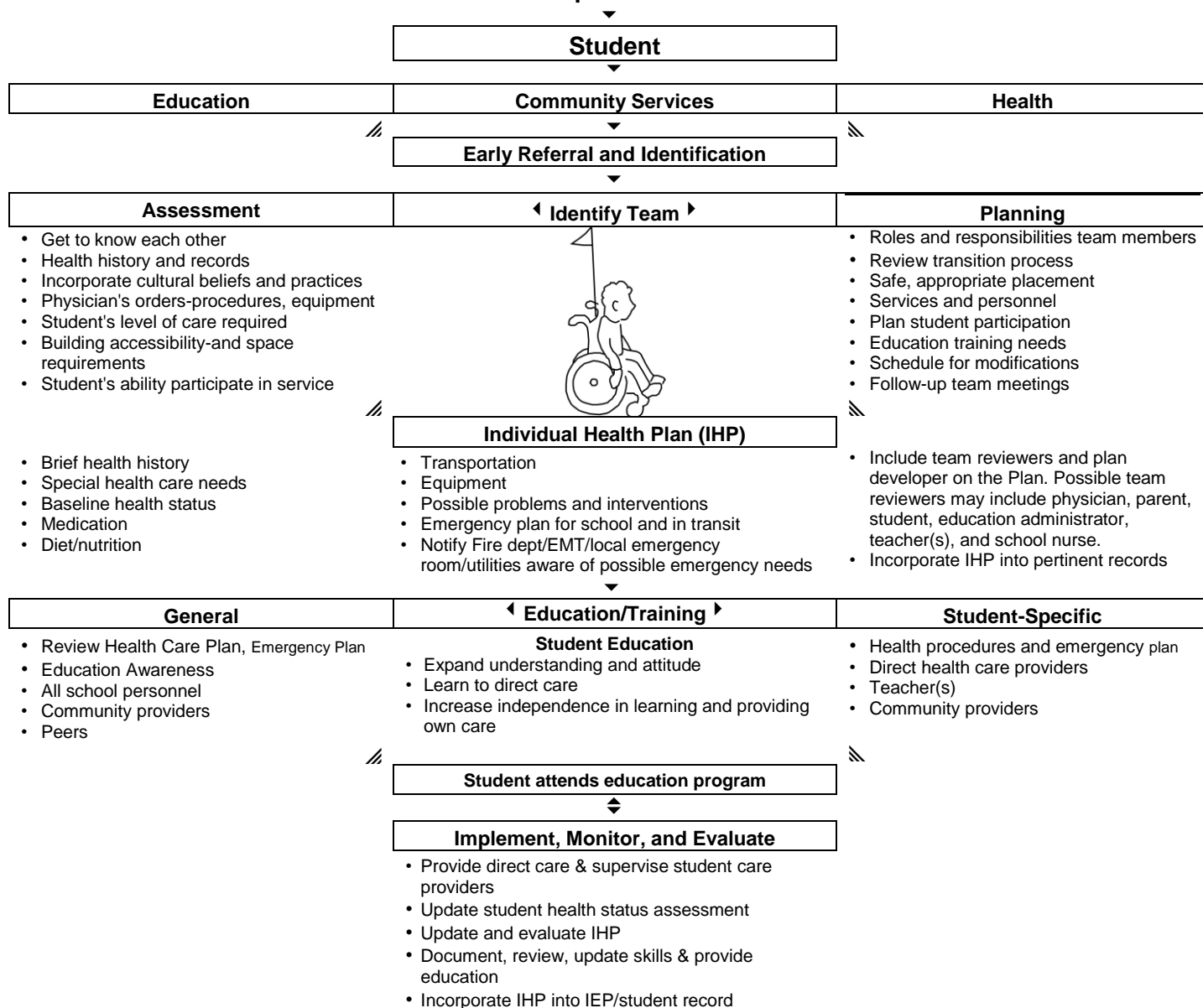
Teenager, Motorcycle accident age 4, Quadriplegia (paralysis in arms, legs, and body), Needed health services during the school day (Health Plan, Emergency Plan, Ventilator-Sip and puff, wheelchair, Elimination: urinary catheterization, Breathing: tracheostomy care, monitor ventilator, positioning, Intake: feeding and drinking, monitor vitals). **Question** - Do schools have to provide these services and similar ones to student who require them? The Supreme Court interpretation of IDEA's relevant provisions, these and other services which can be administered by non-physician personnel are within the parameters of the special education law's related services.

The three-fold support of Supreme Court in Cedar Rapids decision: IDEA's definition of related services, Supreme Court's earlier decision in Tatro case, and overall statutory scheme of IDEA.

School Nurse-School Health Services-Education Implementation

Standards of Practice (Doctor, nurse, other health professional, paraprofessional) and Policies/Procedures

Education Team Planning Student with Special Health Needs



Consider

Services Needs

Who can provide

Insurance

Staff and Qualified personnel

State laws/regulation and Practice Acts

Public and Private

Insurance IDEA regulations: Interagency agreements (IAC); Extent access insurance; Parents choose not to use if personal expense or potential loss of benefits, and Responsibility noneducational public agencies (Medicaid and others) precedes responsibility of the LEA or state agency

Liability

Negligence law

Supervisory officials fall within immunity

State Law: School employees acting on behalf district covered district insurance policy **and** personally wanton and reckless disregard-own lawyer

Beyond Classroom

Follow student wherever they go-all aspects of the student's educational program: Transportation, health services playground, lunchroom, auditorium, gym, school-sponsored activities/field trips, before/after activities, etc...

Include in IEP/504 (pre-plan)

Least Restrictive Environment (LRE): Decision reinforces idea mainstream education

Case-by-case IEP team decision, Continuum-hospital, community, home, school, Where-classroom/nurse's office/student carry, Inclusion

Scenario Judy, age 4, Impaired use of food, Blood sugar monitoring, Insulin injection am and pm, Glucagon-low blood sugar, Special diet-document, Extra bathroom trips/water, and Medical appointments/school absences

Individualized Health Plan (IHP) Example Form

Student Name: Birthdate: School:

Effective Date: Physician: School Nurse Signature:

Assessment:

Nursing Diagnosis(es):

Outcome/Goals: (Indicators include improve attendance, academic achievement, and participation)

Planning and Implementation (Interventions):

Evaluation: (Review dates, accomplished, comments)

Date copy to parent: Date reviewed by education team:

Date copy to physician (optional):

Physician order attached (when applicable):

Progress documentation: (Date and observations)

http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1729&itemid=2527

Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W Madison Street, Suite 1475
Chicago, IL 60661
Phone 312 730 1560
E-mail OCR.Chicago@ed.gov

Student Health Information-review form

Resources

American Academy of Pediatrics. *Managing Chronic Health Needs in Child Care and Schools: A Quick Reference Guide*. Donoghue EA, Kraft CA, eds. Elk Grove Village, IL: American Academy of Pediatrics (2009)

Iowa Area Education Agency. *AEA Special Education IEP Procedures Manual and the AEA Special Education IEP Documentation Guides*. Provides detail on statewide IDEA, Individualized Education Program (IEP) implementation of Federal and State laws. Access the manual and guide <http://www.iowaidea.org/> (select IEP, select Statewide Special Education Procedures, select manual)

U.S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. *Helpful Web Sites for Families with Children with Special Health Care Needs*. <http://mchb.hrsa.gov/2010express/Express2010.htm>

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